IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 4281 OF 2004

Digambar R.Kapuskar ... Petitioner
(Orig.Accused No.16)

Versus

The Intelligence Officer,
NCB & Anr. ... Respondents

Mr.A.G.Lulla for the Petitioner.
Mr.D.N. Salvi for Respondent No.1.

CORAM: S.K.SHAH, J.
DATE : 25th January, 2005.

P.C.

1. Heard. There are no change in circumstances. the learned Counsel for the Petitioner submits that the trial has not proceeded and the Petitioner is languishing in jail for a long time.

2. The learned Counsel for the Respondent No.1

submits that they have gone in Appeal to the Supreme Court against the order of discharge of some of the accused persons passed by this Court and the matter is pending in the Supreme Court. Therefore, the trial has not proceeded. He makes it clear that the Supreme Court has not stayed the trial. Therefore, according to him, there is no hindrance in proceeding with the trial. The request for proceeding with the trial may be made to the trial Court. Because of the pendency of legal proceedings if trial is not proceded, the Petitioner cannot be given any advantage of getting bail. The learned Counsel for the Respondent No.1 submits that as assured on the last occasion, they have already taken steps by informing their Counsel in the Supreme Court to get the matter expedited.

3. Under the circumstances, I do not find any merit in this Criminal Application.

The Criminal Application stands dismissed.

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(S.K.SHAH,J.)